
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

MILAN MICHAEL KOTEVSKI,
Plaintiff,

v.

HILLARY RODHAM CLINTON et al.,
Defendants.

ORDER ADOPTING REPORT AND
RECOMMENDATION

Case 2:24-cv-00622-TS-DAO

District Judge Ted Stewart
Magistrate Judge Daphne Oberg

This matter is before the Court on the Magistrate Judge's Report and Recommendation regarding dismissal of Plaintiff Milan Michael Kotevski's action against multiple defendants.¹ For the reasons discussed below, the Court adopts the Magistrate Judge's Report and Recommendation to dismiss but will also dismiss the action with prejudice.

On August 22, 2024, Plaintiff filed his original Complaint² without paying the filing fee and moved for leave to file in forma pauperis.³ On September 23, 2024, the Magistrate Judge screened the Complaint, found that it failed to state a claim upon which relief could be granted, issued an order waiving the filing fee, and permitted Plaintiff to file an amended complaint.⁴ Plaintiff filed his Amended Complaint on September 27, 2024.⁵ Upon review, on October 7, 2024, the Magistrate Judge determined that the Amended Complaint again failed to state a claim upon which relief could be granted and issued a Report and Recommendation recommending

¹ Docket No. 67.

² Docket No. 1.

³ Docket No. 2.

⁴ Docket No. 55.

⁵ Docket No. 58.

that the Court dismiss the action without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).⁶ Plaintiff did not file any objections to the Report and Recommendation.

Despite the lack of objection, the Court reviews the Report and Recommendation de novo.⁷ “In order to conduct a de novo review a court ‘should make an independent determination of the issues . . . ; [it] is not to give any special weight to the [prior] determination’”⁸ “The district judge is free to follow [a magistrate judge’s recommendation] or wholly to ignore it, or, if he is not satisfied, he may conduct the review in whole or in part anew.”⁹

The Court has carefully reviewed and considered the record and pleadings in this case, along with the Report and Recommendation. The Court agrees with the Magistrate Judge’s analysis and will accordingly adopt the Report and Recommendation to dismiss but will dismiss the matter with prejudice instead of without prejudice as the Magistrate Judge recommends.

It is therefore

ORDERED that the Magistrate Judge’s October 7, 2024, Report and Recommendation (Docket No. 67) is ADOPTED and the case is DISMISSED WITH PREJUDICE.

The Clerk of Court is ordered to close this case forthwith.

DATED this 4th day of February, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Stewart", is written over a horizontal line.

Ted Stewart
United States District Judge

⁶ Docket No. 67.

⁷ FED. R. CIV. P. 72(b)(3).

⁸ *Ocelot Oil Corp. v. Sparrow Indus.*, 847 F.2d 1458, 1464 (10th Cir. 1988) (quoting *United States v. First City Nat’l Bank*, 386 U.S. 361, 368 (1967)).

⁹ *Id.* (quoting *Mathews v. Weber*, 423 U.S. 261, 271 (1976)).